

JC19 Rec'd PCT/PTO 31 MAY 2001

FORM PTO-1390 US DEPARTMENT OF COMMERCE REV. 5-93PATENT AND TRADEMARK OFFICE		ATTORNEYS DOCKET NUMBER <b>P01,0182</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>09/857084</b>
INTERNATIONAL APPLICATION NO. <b>PCT/EP99/09497</b>	INTERNATIONAL FILING DATE <b>04 DECEMBER 1999</b>	PRIORITY DATE CLAIMED <b>04 DECEMBER 1998</b>
TITLE OF INVENTION <b>METHOD OF MONITORING FOR AVAILABILITY OF A SYSTEM FUNCTION IN A COMPUTER SYSTEM</b>		
APPLICANT(S) FOR DO/EO/US <b>Jürgen NIESSEN et al.</b>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay. 4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input type="checkbox"/> A copy of International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>6. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)) a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>7. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>8. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>9. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11. to 16. below concern other document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; (<b>PTO 1449, Prior Art, Search Report, one Reference</b>).</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. <b>(SEE ATTACHED ENVELOPE)</b></p> <p>13. <input checked="" type="checkbox"/> Amendment "A" Prior to Action and Appendix "A". <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> A substitute specification and substitute specification mark-up.</p> <p>15. <input checked="" type="checkbox"/> A change of address letter attached to the Declaration.</p> <p>16. <input checked="" type="checkbox"/> Other items or information: a. <input checked="" type="checkbox"/> Submission of Drawings, one sheet of drawings, Figs. 1-2 b. <input checked="" type="checkbox"/> Appointment of Associate Power of Attorney c. <input checked="" type="checkbox"/> EXPRESS MAIL #EL 843728265 US dated May 31, 2001</p>		

U.S. APPLICATION NO. (If known) See 37 C.F.R. 1.492(e) <b>09/857084</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP99/09497</b>	ATTORNEY'S DOCKET NUMBER <b>P01,0182</b>
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS	PTO USE ONLY
<b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b> Search Report has been prepared by the EPO or JPO \$860.00  International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) \$690.00  No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2)) \$710.00  Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$1000.00  International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00			
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$ 860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).		\$	
Claims 	Number Filed	Number Extra	Rate
Total Claims	10 - 20 =	0	X \$ 18.00 \$
Independent Claims	06 - 3 =	3	X \$ 80.00 \$ 240.00
Multiple Dependent Claims			\$270.00 + \$
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 1100.00	
Reduction by ½ for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28)		\$	
<b>SUBTOTAL =</b>		\$ 1100.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +		\$	
<b>TOTAL NATIONAL FEE =</b>		\$ 1100.00	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +			
<b>TOTAL FEES ENCLOSED =</b>		\$ 1100.00	
		Amount to be refunded	\$
		charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$ 1100.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1519</u> . A duplicate copy of this sheet is enclosed. <small>NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</small>			
<b>SEND ALL CORRESPONDENCE TO:</b>			
<b>SCHIFF HARDIN &amp; WAITE PATENT DEPARTMENT 6600 Sears Tower 233 South Wacker Drive Chicago, Illinois 60606-6473</b>		 SIGNATURE <b>MARK BERGNER</b> (REG. NO. 45,877) DATE: May 31, 2001	
<b>CUSTOMER NUMBER 26574</b>			

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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Express Mail Mailing Label Number EL 843728265 US

Date of Deposit: May 31, 2001

I hereby certify that this correspondence is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37 CFR 1.10(c) on the date indicated above and is addressed to:

**BOX PCT  
Assistant Commissioner for Patents  
Washington DC 20231**

Case Number: P01,0182  
Applicant(s): Jürgen NIESSEN et al

International Application No. PCT/EP99/09497  
International Filing Date 04 December 1999  
Priority Date Claimed 04 December 1998

Title: **Method of Monitoring for Availability of a System Function  
in a Computer System**

Enclosed are the following documents:

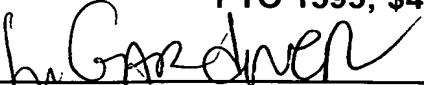
International application as filed;  
English Translation;  
Executed Declaration;  
Change of Address form for Applicants' Representative;  
Associate Power of Attorney;

PTO 1390 in duplicate;  
Preliminary Amendment A Prior to Action and Appendix A;  
Information Disclosure Statement, PTO 1449, Search Report, One Reference;

Submission of Drawings, one sheet of drawings, Figs. 1-2;  
Substitute Specification and Substitute Specification mark-up;

Fee: \$1100.00  
Postcard.

(See attached envelope for Executed Assignment;  
PTO 1595; \$40.00 filing fee; Postcard)

  
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Signature of person mailing documents and fees